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*Attorneys for Plaintiff Gena Hanson, Individually
and on Behalf of All Others Similarly Situated*

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

GENA HANSON, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

JQD, LLC, d/b/a PRO SOLUTIONS, a
California corporation;

Defendant.

CASE NO. Case No. 4:13-cv-05377-RS

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR ORDER
GRANTING PLAINTIFF'S APPLICATION
FOR ATTORNEYS' FEES, SERVICE
AWARD, AND REIMBURSEMENT OF
COSTS AND EXPENSES**

Date: April 27, 2017

Time: 1:30 pm

Judge: The Honorable Richard Seeborg

Room: Courtroom 3, 17th Floor

**[PROPOSED] ORDER GRANTING APPLICATION FOR FEES, COSTS,
EXPENSES AND SERVICE PAYMENT**

This matter comes before the Court upon consideration of the Motion for Order Granting Plaintiff's Application for Attorneys' Fees, Service Award, and Reimbursement of Costs and Expenses filed by Plaintiff Gena Hanson, in connection with her motion for Final Approval of a Class Action Settlement. The Court has considered the papers of the parties, the relevant legal authority, the record in this case, and has considered the arguments presented at the final fairness hearing held on April 27, 2017. For the reasons set forth in the remainder of this Order, the Court **GRANTS** the motion and awards attorneys' fees of \$200,000, reimbursement of costs and expenses of \$19,833.89, and a service payment to plaintiff of \$5,000, for a total of \$224,833.89.

The Court finds the lodestar method for awarding attorneys' fees is appropriate in this case, and that the lodestar incurred by Class Counsel Cotchett, Pitre & McCarthy, LLP, and Housing and Economic Rights Advocates in this matter, based on the reasonable hourly rates submitted by counsel, totals \$589,842.50.

The Court finds that this amount is reasonable based on: the work performed in the case as set forth in the declarations of Class Counsel; the reasonableness of that work; the reasonable hourly rates of counsel, which compare favorably to other rates awarded in this judicial district, and are supported by the declarations of Class Counsel as reasonable in this district for class action litigation, and as otherwise established by the declarations submitted in support of the motion; the novelty and complexity of this litigation; the skill and experience of Class Counsel and the quality of their representation; the substantial benefit made available to the Class as a result of the settlement in this action; and the risk of nonpayment.

Class Counsel seek attorneys' fees in an amount representing only 34% of their lodestar. That Class Counsel seek no extraordinary award of fees, but instead seek significantly less than their lodestar, supports the reasonableness of the fees.

The reasonableness is also supported by a cross-check against a so-called constructive common fund. *See In re Bluetooth Headset Prods. Liab. Litig.*, 654 F.3d 935, 944-45 (9th Cir. 2011) (discussing such a cross-check). When the Court compares the amount of attorneys' fees

sought to \$1.6 million (the approximate value of a common fund and the debt relief to the class), the result is well below the 25% benchmark in this federal judicial circuit for common fund awards. *See id.* at 945. Indeed, the cross-check demonstrates that Class Counsel is requesting and receiving 12.5% of the constructive common fund. This cross-check confirms the reasonableness of the instant request.

The Court also finds that Class Counsel have incurred \$19,833.89 in reasonable costs and expenses in this matter, and it approves payment in that amount. These costs and expenses were reasonably incurred in the ordinary course of prosecuting this case and were necessary given the complex nature of this matter. Lastly, the Court approves a service award of \$5,000 to the named Plaintiff and Class Representative in this matter, Gena Hanson. This service award is supported by the record in this case and the Declarations of Class Counsel in support of the present motion. The payment is further justified by the time and effort spent by Plaintiff on this matter on behalf of the Class; the duration of this matter; and the other factors set forth in their supporting declarations.

The attorneys' fees, costs, and service awards made by this order shall be paid by Defendant JDQ, LLC, d/b/a Pro Solutions, in accordance with the terms of the Settlement Agreement, which was attached as an exhibit to Plaintiff's Motion for Preliminary Approval of Settlement. (See ECF Dkt. No. 76-3).

IT IS SO ORDERED.

Dated: 4/27/17



HONORABLE RICHARD SEEBORG